

## CHAPTER 4

# THE UNLAWFULNESS OF TERRORISM AGAINST NON-MUSLIMS—EVEN DURING TIMES OF WAR

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#### 4.1 PRELIMINARY REMARKS

According to the Islamic laws on war, it is prohibited to wage war against neutral countries, even if there are major ideological disagreements with them. Islam has enjoined upon its followers to remain peaceful with neutral people, because Islam does not approve of needless war or senseless conflict. It respects every human life and ensures that the sanctity and dignity of humanity is upheld at all times. God says in the Qur'ān,

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا فَوَّاقِيْمِيْنَ لِلَّهِ شَهِدَآءَ بِالْقِسْطِ وَلَا يَجْرِيْمَكُمْ شَتَّانُ قَوْمٍ  
عَلَى أَلَّا تَعْدِلُوا أَعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ وَأَتَقْوُا اللَّهُ إِنَّ اللَّهَ حَيْثِرٌ بِمَا تَعْمَلُوْنَ﴾

*'O you who believe! Stand firm for God, witness in justice, and do not let the hatred of a people prevent you from being just. Be just; that is closer to righteousness. And fear God. Indeed, God is Well-Informed of what you do'.<sup>1</sup>*

This verse prohibits the believers from exceeding the limits or resorting to oppressive measures in their interactions with other nations, despite the extreme hostility that may be between them. Imam al-Qurṭubī explained this verse, quoting Abū 'Ubayda and al-Farrā', 'This phrase "lā yajrimannakum [do not let . . . prevent you]" means that you should not let your hatred of a people cause you to transgress the truth and engage in falsehood or swerve from justice to oppression'.<sup>2</sup>

Similarly, with regard to the prohibition of indiscriminate massacre, God says,

﴿لَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقْتَلُوكُمْ فِي الدِّيَنِ وَلَمْ يُخْرِجُوكُمْ مِّن دِيَرِكُمْ أَنْ  
تَبَرُّوْهُمْ وَتُفْسِطُوا إِلَيْهِمْ إِنَّ اللَّهَ يُحِبُّ الْمُفْسِطِيْنَ﴾

<sup>1</sup> Qur'ān 5:8.

<sup>2</sup> Muhammad al-Qurṭubī, *al-Jāmi' li aḥkām al-Qur'ān*, 6:45.

*'God does not forbid you of those who do not fight you because of religion and do not expel you from your homes—from being righteous towards them and treating them justly. Indeed, God loves the just'.<sup>1</sup>*

The terrorists who indiscriminately murder people through bomb blasts, suicide bombings and other means of destruction, without any distinction for religion, race, colour and creed, argue that, since the foreign powers are doing their utmost to occupy Muslim lands, and since the Muslims have been subjected to war, they are fully justified in adopting terrorism as a tactic. This is a false argument. The divine injunction, '*do not let the hatred of a people prevent you from being just*', clearly enjoins that no nation or group of people can be allowed to abandon justice and adopt oppression as a policy. According to Imam al-Qurtubī, it is established from the Qur'ān that Islam orders tolerance, moderation, balance and harmony under all circumstances—so much so that the massacre of peaceful people is strictly prohibited even in times of war.

The condemnation of terrorism and the arguments against it are evident. If we, for a moment, accept the view of the terrorists and extremists who argue that they are waging a jihad against anti-Islamic forces, still their activities are outside of the pale of Islamic laws on war.

#### 4.2 THE UNLAWFULNESS OF KILLING NON-MUSLIM WOMEN

Many people are killed in non-Muslim countries, in addition to Muslim countries, in the unending wave of terrorism. The terrorists invoke the anti-Islamic actions of non-Muslim countries to justify their terrorism, and contend that since these governments play a role in either killing Muslims or getting them killed through different means, they are justified in killing their citizens in retaliation. This argument is contrary to the fundamental teachings of Islam and contravenes the character of Islam. Islam does not allow the killing of peaceful non-Muslims in times of war—much less in times of peace. Islam's jurisprudential tradition

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<sup>1</sup> Qur'ān 60:8.

has articulated what is called in the West, the Just War Theory, and has detailed regulations that guide the conduct of its soldiers during war. Thus, the killing of women during war is prohibited.

‘Abd Allāh b. ‘Umar ﷺ said,

وُجِدَتِ امْرَأَةٌ مَقْتُولَةً فِي بَعْضِ مَغَارِي رَسُولِ اللَّهِ ﷺ ، فَنَهَى رَسُولُ اللَّهِ ﷺ عَنْ قَتْلِ النِّسَاءِ وَالصِّبِّيَّانِ.

‘A woman was found slain in one of the expeditions. Upon this the Messenger of God ﷺ forbade the killing of women and children’.<sup>1</sup>

Ibn Baṭṭāl and Imam al-Nawawī have both supported this standpoint in *Sharḥ Ṣahīḥ al-Bukhārī* (5:186) and *Sharḥ Ṣahīḥ Muslim* (12:37), respectively, and declared that killing women is in direct contravention to Islamic teachings. There is also a hadith narrated by ‘Abd al-Razzāq in his *Muṣannaf*, al-Shāfi‘ī in his *al-Musnad*, al-Ṭahāwī in *Sharḥ ma‘ānī al-āthār* and al-Bayhaqī in *al-Sunan al-kubrā* from the son of Ka‘b b. Mālik ﷺ who mentioned that when the Prophet ﷺ dispatched an army to Ibn Abī Haqīq, he forbade the killing of women and children.<sup>2</sup> Abū Tha‘laba said,

نَهَى رَسُولُ اللَّهِ ﷺ عَنْ قَتْلِ النِّسَاءِ وَالْلُّوْلَدَانِ.

‘The Messenger of God ﷺ prohibited the murder of women and children’.<sup>3</sup>

<sup>1</sup> Narrated by al-Bukhārī in *al-Ṣahīḥ*: *Kitāb al-jihād wa al-siyar* [The Book of Martial Jihad and Battles], chapter: ‘Killing Women in War’, 3:1098 §2852; Muslim in *al-Ṣahīḥ*: *Kitāb al-jihād wa al-siyar* [The Book of Martial Jihad and Battles], chapter: ‘The Unlawfulness of Killing Women and Children during War’, 3:1364 §1744; al-Tirmidhī in *al-Sunan*: *Kitāb al-siyar* [The Book of Military Expeditions], chapter: ‘What Has Come to Us About the Killing of Women and Children’, 4:136 §1569; Ibn Mājah in *al-Sunan*: *Kitāb al-jihād* [The Book of Martial Jihad], 2:947 §2841; and Aḥmad b. Ḥanbal in *al-Musnad*, 2:22 §4739.

<sup>2</sup> Narrated by ‘Abd al-Razzāq in *al-Muṣannaf*, 5:202 §9385; al-Shāfi‘ī in *al-Musnad*, p. 238; cited by al-Ṭahāwī in *Sharḥ ma‘ānī al-āthār*, 3:221; and by al-Bayhaqī in *al-Sunan al-kubrā*, 9:77 §17865.

<sup>3</sup> Narrated by al-Ṭabarānī in *al-Mu‘jam al-awsat*, 7:113 §7011.

#### 4.3 THE UNLAWFULNESS OF KILLING THE CHILDREN OF NON-MUSLIMS

The strict and total prohibition prescribed against killing peaceful non-Muslim children is another humane principle of Islam. Compare and contrast the actions of the self-proclaimed defenders of Islam with those of the Prophet ﷺ; the reality will be laid bare for everyone to see and the intentions of these terrorist elements will become clear. Would that they had held the prophetic traditions in due esteem and felt shame while shaping their destructive designs!

Quoting a letter of Ibn ‘Abbās رضي الله عنهما, Imam Muslim wrote in his collection:

إِنَّ رَسُولَ اللَّهِ لَمْ يَكُنْ يَقْتُلُ الصَّبَيْانَ، فَلَا تَقْتُلُ الصَّبَيَانَ.

‘Indeed, the Messenger of God ﷺ did not kill children; so you must not kill them either’.<sup>1</sup>

In another hadith, the Prophet ﷺ forbade the Companions—with very harsh words—from killing the children of non-Muslims, and repeated his prohibition for effect. Aswad b. Sariٰ رضي الله عنهما said,

كُنَّا فِي غَزَّةٍ فَأَصَبَّنَا ظَفَرًا وَقَتَلْنَا مِنَ الْمُشْرِكِينَ، حَتَّىٰ بَلَغَ بِهِمُ الْفُتُولُ إِلَى أَنْ قَاتِلُوا الدُّرْرِيَّةَ، فَبَلَغَ ذَلِكَ النَّبِيُّ رَضِيَ اللَّهُ عَنْهُ، فَقَالَ: مَا بَالُ أَقْوَامٍ بَلَغَ بِهِمُ الْفُتُولُ إِلَى أَنْ قَاتِلُوا الدُّرْرِيَّةَ؟ أَلَا! لَا تَقْتُلُنَّ دُرْرِيَّةً. أَلَا! لَا تَقْتُلُنَّ دُرْرِيَّةً. قَيْلٌ: لَمْ يَا رَسُولَ اللَّهِ، أَلِيْسَ هُمْ أُوْلَادُ الْمُشْرِكِينَ؟ قَالَ: أَوْلَيْسَ خَيَازُكُمْ أُوْلَادُ الْمُشْرِكِينَ؟

‘We were once in a battle and gained the upper hand and killed many of the pagans, including some children. News of this reached the Messenger of God ﷺ and he said, “What is wrong with some people that they went so far as to kill children? Beware! Do not kill children at all! Beware! Do not kill children at all!” Someone asked, “Why, O Messenger of God? Are they not the children of the pagans?” He ﷺ replied, “Are the best amongst you

<sup>1</sup> Narrated by Muslim in *al-Sahih: Kitāb al-jihād wa al-siyar* [The Book of Martial Jihad and Battles], 3:1444 §1812.

not from the children of pagans?”<sup>1</sup>

In another narration it reads: ‘A man said, “O Messenger of God! They are only the children of the pagans!” He ﷺ replied,

خُيَارُكُمْ أَبْنَاءُ الْمُشْرِكِينَ. أَلَا! لَا تُقْتَلُ الْذُرَيْفَةُ.

“The best of you are children of pagans. Beware! Children must not be killed”.<sup>2</sup>

None would know about the need for spiritual excellence in fighting for God’s sake more than the Companions of the Prophet ﷺ; these paragons of love and obedience deserve a lasting tribute for having acted upon the instructions of the Prophet ﷺ, and observed the finest details of the laws of war, without transgressing their limits. ‘Atiya al-Quražī ﷺ said,

كُنْتُ فِيهِمْ حَكَمَ فِيهِمْ سَعْدُ بْنُ مَعْاًدٍ، فَشَكُوا فِي أَمْنِ الْذُرَيْفَةِ أَنَا أَمْ مِنَ الْمُقَاتَلَةِ؟  
فَنَظَرُوا إِلَى عَانَتِي فَلَمْ يَجِدُوهَا نَبِتَّ، فَأَلْقَيْتُ فِي الْذُرَيْفَةِ، وَلَمْ أُقْتَلَ.

‘I was amongst those judged by Sa‘d b. Mu‘ādh [when he was given the authority to decide the fate of the plotters of Banū Qurayṣa], but they were in doubt about me: was I to be counted amongst the children or amongst those who engaged in hostilities? So to find the answer, they examined my pubic regions and saw that I had yet to grow pubic hair [and thus was underage], so they grouped me with the children and I was spared’.<sup>3</sup>

<sup>1</sup> Narrated by al-Nasā‘ī in *al-Sunan al-kubrā: Kitāb al-siyar* [The Book of Military Expeditions], chapter: ‘The Prohibition of Killing the Children of the Pagans’, 5:184 §8616; al-Dārimī in *al-Sunan*, 2:294 §2463; al-Hākim in *al-Mustadrak*, 2:133–134 §§2566–2567; and al-Tabarānī in *al-Mu‘jam al-kabīr*, 1:284.

<sup>2</sup> Narrated by Ahmad b. Ḥanbal in *al-Musnad*, 3:435 §§15626–15627; and al-Bayhaqī in *al-Sunan al-kubrā*, 9:77 §17868.

<sup>3</sup> Narrated by Ibn Ḥibbān in *al-Ṣaḥīḥ: Kitāb al-siyar* [The Book of Military Expeditions], 11:109 §4788; ‘Abd al-Razzāq in *al-Muṣannaf*, 10:179 §18742; al-Tabarānī in *al-Mu‘jam al-kabīr*, 17:164 §434; and al-Bayhaqī in *al-Sunan al-kubrā*, 6:166 §11098.

Regarding the prohibition of killing non-Muslim women, children and elderly folk during war, the respected Ḥanafī jurist, Imam al-Sarakhsī, wrote in his magnum opus, *al-Mabsūt*:

قَالَ ﷺ: وَلَا تَقْتُلُوا وَلِيًّا وَالْوَلِيدُ فِي الْغَةِ، وَكُلُّ آدَمِيٍّ مَوْلُودٌ، وَلَكِنْ  
 هَذَا الْلَفْظُ إِنَّمَا يُسْتَعْمَلُ فِي الصَّعَارِ عَادَةً. فَفِيهِ ذَلِيلٌ عَلَى أَنَّهُ لَا يَحِلُّ قَتْلُ الصَّعَارِ  
 مِنْهُمْ، إِذَا كَانُوا لَا يُقَاتِلُونَ. وَقَدْ جَاءَ فِي الْحَدِيثِ أَنَّ النَّبِيَّ ﷺ نَهَىٰ عَنْ قَتْلِ النِّسَاءِ  
 وَالْوُلْدَانِ. وَقَالَ: اقْتُلُوا شُوخَ الْمُشْرِكِينَ، وَاسْتَحْيُوا شُرُونَهُمْ. وَالْمُرَادُ بِالشُّيُوخِ  
 الْبَالِغُونَ وَبِالشُّرُوخِ الْأَتْبَاعِ مِنَ الصَّعَارِ وَالنِّسَاءِ، وَالإِسْتِحْيَاءِ الْإِسْتِرْفَاقُ. قَالَ اللَّهُ:  
 《وَاسْتَحْيُوا نِسَاءَهُمْ》. وَفِي وَصِيَّةِ أَبِي بَكْرٍ رَضِيَ اللَّهُ تَعَالَى عَنْهُ لِيَزِيدَ بْنِ أَبِي سُفْيَانَ: لَا تَقْتُلُنَّ شَيْخًا  
 ضَرِعًا وَلَا صَبِيًّا ضَعِيقًا، يَعْنِي شَيْخًا فَانِيَا وَصَغِيرًا لَا يُقَاتِلُ.

The Prophet ﷺ said, ‘Do not kill children [*walīd*]’. In the [Arabic] language, the word *walīd* means one who is born [*mawlūd*]; and every human being [*ādami*] is born; however, customarily this word is only used for young children. Therefore, in it is proof that it is impermissible to kill the young children amongst them [the non-Muslims], as long as they are not fighting. It is mentioned in a hadith that the Prophet ﷺ forbade the killing of women and children, and said, ‘Kill the [warring] elders of the pagans [during the state of war] and keep alive their subordinates’. What is meant by ‘elders’ are the adults amongst them, and what is meant by ‘subordinates’ are their followers amongst the young and the womenfolk. To ‘keep alive’ here means to take them as captives. God says, ‘And they kept their women alive’.<sup>1</sup> And it is mentioned in Abū Bakr’s ﷺ dictated commands to Yazīd b. Abī Sufyān: ‘Kill neither a feeble old man nor a fragile young child’; in other words, an elderly man and young child do not fight.<sup>2</sup>

<sup>1</sup> Qur’ān 40:25.

<sup>2</sup> Al-Sarakhsī, *al-Mabsūt*, 10:5–6.

#### 4.4 THE UNLAWFULNESS OF KILLING ELDERLY NON-MUSLIMS

Islam has strictly and unequivocally forbidden the killing of the elderly during war. This principle is illustrated in many prophetic traditions.

Imam Abū Dāwūd narrates on the authority of Anas b. Mālik ﷺ that the Prophet ﷺ said,

لَا تَقْتُلُوا شَيْخًا فَائِيًّا، وَلَا طِفْلًا، وَلَا صَغِيرًا، وَلَا امْرَأةً.

‘Do not kill any feeble old man, or any infant or young child or woman’.<sup>1</sup>

Imam Ibñ Abī Shayba narrates on the authority of al-Dahhāk ﷺ who said,

كَانَ رَسُولُ اللَّهِ يَنْهَا عَنْ قَتْلِ الْمُرْأَةِ وَالشَّيْخِ الْكَبِيرِ.

‘The Prophet ﷺ used to forbid the killing of women and feeble old men’.<sup>2</sup>

Imam Ibñ Abī Shayba also narrates on the authority of Rāshid b. Sa‘d who said,

نَهَى رَسُولُ اللَّهِ عَنْ قَتْلِ النِّسَاءِ وَالذُّرَيْدَةِ وَالشَّيْخِ الْكَبِيرِ الَّذِي لَا حِرَاكَ بِهِ.

‘The Messenger of God ﷺ forbade the killing of women, children and the infirm’.<sup>3</sup>

Imam al-Bayhaqī narrated a hadith from ‘Alī ﷺ, that when the Prophet ﷺ would dispatch an army, he would advise them,

لَا تَقْتُلُوا وَلِيًّا طِفْلًا، وَلَا امْرَأَةً، وَلَا شَيْخًا كَبِيرًا، وَلَا تُغَوِّرُنَّ شَجَرَةً

إِلَّا شَجَرًا يَمْنَعُكُمْ قِتَالًا، وَلَا تُمْثِلُوا بِآدَمِيٍّ وَلَا بَهِيمَيِّ، وَلَا تَعْدِرُوا وَلَا تَغْلُوْ.

‘Do not kill a young boy, a woman or an old man. Do

<sup>1</sup> Narrated by Abū Dāwūd in *al-Sunan: Kitāb al-jihād* [The Book of Martial Jihad], 3:37 §2614; Ibñ Abī Shayba in *al-Muṣannaf*, 6:483 §33118; and al-Bayhaqī in *al-Sunan al-kubrā*, 9:90 §17932.

<sup>2</sup> Narrated by Ibñ Abī Shayba in *al-Muṣannaf*, 6:484 §33133.

<sup>3</sup> Ibid., §33135.

not cause fountains to dry up and do not destroy any trees, except those which cause hindrance during war. Mutilate neither a human nor an animal, and do not break a promise or breach a trust'.<sup>1</sup>

Jubayr b. Nufayl said,

مَرَّ رَجُلٌ بِثَوْبَانَ، فَقَالَ: أَيْنَ تُرِيدُ؟ قَالَ: أَرِيدُ الْغَزْوَةِ فِي سَبِيلِ اللَّهِ. قَالَ: وَلَا تَغْلِنْ  
إِنْ غَنِمْتَ، وَلَا تَقْتُلْنَ شَيْخًا كِبِيرًا، وَلَا صَبِيًّا صَغِيرًا. فَقَالَ لَهُ الرَّجُلُ: مَمَنْ سَمِعْتَ  
هَذَا؟ قَالَ: مِنْ رَسُولِ اللَّهِ ﷺ.

'A man passed by Thawbān ﷺ, so he [Thawbān] asked him, "Where do you intend to go?" The man said, "I want to wage battle in the path of God". Thawbān then said to him, "If war booty comes your way, do not steal from it, and do not kill an old man or a young boy". Upon hearing this, the man asked him, "From whom did you hear this?" Thawbān replied, "From the Messenger of God ﷺ".<sup>2</sup>

#### 4.5 THE UNLAWFULNESS OF KILLING THE RELIGIOUS LEADERS OF NON-MUSLIMS

Islam has forbidden its adherents from killing the religious leaders of non-Muslims during the course of war and after the battles have ceased. There is no justification for fighting against non-Muslim religious leaders and children if they do not engage in war. The perpetrators are putting to shame the great values of Islam and its culture of toleration. Imam Ahmad b. Hanbal quoted Ibn 'Abbās ﷺ who said that the Prophet ﷺ would issue clear instructions when dispatching an army to go into battle. He ﷺ would say,

لَا تَغْدِرُوا، وَلَا تَغْلِبُوا، وَلَا تُمْثِلُوا، وَلَا تَقْتُلُوا الْوُلْدَانَ، وَلَا أَصْحَابَ الصَّوَامِعِ.

<sup>1</sup> Narrated by al-Bayhaqī in *al-Sunan al-Kubrā*, 9:90 §17934.

<sup>2</sup> Narrated by Ibn 'Asākir in *Tārīkh Dimashq al-kabīr*, 27:404.

‘Break no promise, steal not from the spoils of war and do not mutilate bodies or slay children or monks’.<sup>1</sup>

Imam Ibn Abī Shayba mentions another hadith from Ibn ‘Abbās in which the Prophet ﷺ said as he dispatched an army,

لَا تَقْتُلُوا أَصْحَابَ الصَّوَامِعِ.

‘Do not kill those who tend to the monasteries’.<sup>2</sup>

Imam Ibn Abī Shayba also quotes Thābit b. Ḥajjāj al-Kilābī, who reported that Abū Bakr ؓ stood up, praised God and said to people,

أَلَا! لَا يُقْتَلُ الرَّاهِبُ فِي الصَّوَامِعَةِ.

‘Beware, no [non-combatant] priest tending to his monastery should be killed’.<sup>3</sup>

Imam al-Bayhaqī narrates that Sa‘īd b. al-Musayyab ؓ reported that Abū Bakr al-Ṣiddīq ؓ would always say to the Islamic army as he dispatched it for jihad,

لَا تُغْرِقُنَّ نَخَلًا، وَلَا تُخْرِقُنَّهَا، وَلَا تَعْقِرُوْنَ بَهِيمَةً، وَلَا شَجَرَةً تُشْمِرُ، وَلَا تَهْدِمُوْنَ بَيْعَةً،  
وَلَا تَقْتُلُوْنَ الْوَلْدَانَ، وَلَا الشُّيُوخَ، وَلَا النِّسَاءَ، وَسَتَجِدُوْنَ أَقْوَامًا حَبَسُوْا أَنفُسَهُمْ فِي  
الصَّوَامِعِ فَدَعُوْهُمْ، وَمَا حَبَسُوْا أَنفُسَهُمْ لَهُ.

‘Do not drown or burn date-palm trees. Do not kill any animal. Do not cut down a fruit-bearing tree. Do not demolish a church. And do not kill any children or old people or women. Soon you shall you come upon people who have secluded themselves in cloisters; you must leave them to engage in that for whose sake they have secluded themselves’.<sup>4</sup>

<sup>1</sup> Narrated by Aḥmad b. Ḥanbal in *al-Musnad*, 5:358 §2728.

<sup>2</sup> Narrated by Ibn Abī Shayba in *al-Muṣannaf*, 6:484 §33132; Abū Ya‘lā in *al-Musnad*, 5:59 §2650; al-Taḥāwī in *Sharḥ ma‘ānī al-āthār*, 3:225; and al-Daylāmī in *Musnad al-firdaws*, 5:45 §7410.

<sup>3</sup> Narrated by Ibn Abī Shayba in *al-Muṣannaf*, 6:483 §33127.

<sup>4</sup> Narrated by al-Bayhaqī in *al-Sunan al-kubrā*, 9:85 §17904.

Likewise, another tradition reported by Ṣāliḥ b. Kaysān and narrated by Imam al-Bayhaqī mentions that Abū Bakr al-Šiddīq رض said as he was dispatching the Islamic army towards Syria,

إِنَّكُمْ سَتَجِدُونَ أَقْوَامًا قَدْ حَبَسُوا أَنفُسَهُمْ فِي هَذِهِ الصَّوَامِعِ، فَاتْرُوْهُمْ وَمَا حَبَسُوا  
لَهُ أَنفُسَهُمْ، وَلَا تَقْتُلُوا كَيْرًا هَرِمًا، وَلَا امْرَأً، وَلَا وَلِيدًا، وَلَا تُخْرِبُوا عُمْرَانًا، وَلَا  
تَقْطَعُوا شَجَرَةً إِلَّا لِنَفْعٍ، وَلَا تَعْقِرُنَّ بَهِيمَةً إِلَّا لِنَفْعٍ، وَلَا تُخْرِقُنَّ نَحْلًا وَلَا تُغْرِقُنَّهُ، وَلَا  
تَغْدِرُ، وَلَا تُمَلِّنَ، وَلَا تَجْعِنَ، وَلَا تَغْلُلَ.

‘You shall soon come upon people who have secluded themselves in monasteries; you must leave them to engage in that for whose sake they have secluded themselves. Do not kill an old, feeble man or a woman or a child. Do not damage any populated area. Do not cut down trees needlessly. Do not kill animals unless it is for a benefit [to feed others]. Do not burn down date-palm trees or drown them. Do not commit any treachery. Do not mutilate (anyone). Do not behave cowardly. And do not take anything without right when distributing the spoils of war’.<sup>1</sup>

In the light of these clear injunctions that prohibit killing the religious leaders of non-Muslims, what interpretation can one give to the self-styled and the misplaced religious concepts of those who murder Islamic religious scholars, destroy the mosques of those who adhere to other schools of thought and burn down the shrines of the Sufis? Not only do these people consider these actions justified, but they also invoke religion by claiming to take guidance from the Qur’ān and the Sunna!

#### 4.6 THE UNLAWFULNESS OF KILLING NON-MUSLIM TRADERS AND FARMERS

Islam has given complete protection to farmers, traders and businessmen, and forbade killing them, because they are associated

<sup>1</sup> Ibid., 9:90 § 17929.

with the economy and financial survival of humanity. There are several prophetic narrations that speak of this.

Imam Ibū Abī Shayba and Imam al-Bayhaqī narrated on the authority of Jābir b. ‘Abd Allāh ﷺ who said,

كَانُوا لَا يَقْتَلُونَ تُجَارَ الْمُشْرِكِينَ.

‘They [the Muslim soldiers] did not kill the merchants amongst the pagans’.<sup>1</sup>

Imam Ibū Abī Shayba also narrated on the authority of Zayd b. Wahb that ‘Umar ﷺ sent him a letter in which he said,

لَا تَغْلُو وَلَا تَعْدِرُوا، وَلَا تَقْتُلُوا وَلِيْدًا، وَاتَّقُوا اللَّهَ فِي الْفَلَاحِينَ.

‘Do not take anything without right when distributing the spoils of war, and do not commit any treachery or kill children. And fear God regarding farmers’.<sup>2</sup>

Imam al-Bayhaqī’s version of this report reads,

إِتَّقُوا اللَّهَ فِي الْفَلَاحِينَ فَلَا تَقْتُلُوهُمْ.

‘Fear God regarding the farmers and do not kill them’.<sup>3</sup>

Ibn al-Qayyim said,

إِنَّ أَصْحَابَ النَّبِيِّ ﷺ لَمْ يَقْتُلُوهُمْ حِينَ فَسَحُوا الْبِلَادَ، وَلَا هُمْ لَا يُقَاتِلُونَ، فَأَشْبَهُوْا الشَّيْخَ وَالرُّهْبَانَ.

‘Indeed, when the Companions of the Prophet ﷺ conquered the various lands, they did not kill them [farmers and merchants] because the latter did not fight [against them], and so in that sense they [the civilians] resembled the elderly and the religious leaders’.<sup>4</sup>

<sup>1</sup> Narrated by Ibū Abī Shayba in *al-Muṣannaf*, 6:484 §33129; al-Bayhaqī in *al-Sunan al-kubrā*, 9:91 §17939; and cited by Ibn Ādām al-Qurashī in *al-Kharāj*, 1:52 §133.

<sup>2</sup> Narrated by Ibū Abī Shayba in *al-Muṣannaf*, 6:483 §33120; and cited by Ibn Ādām al-Qurashī in *Kitāb al-Kharāj*, 1:52 §132.

<sup>3</sup> Narrated by al-Bayhaqī in *al-Sunan al-kubrā*, 9:91 §17938.

<sup>4</sup> Ibn al-Qayyim, *Aḥkām ahl al-dhimma*, 1:165.

Imam al-Awzā'i took a similar view and said,

لَا يُقْتَلُ الْحَرَاثٌ إِذَا عُلِمَ أَنَّهُ لَيْسَ مِنَ الْمُقَاتِلَةِ.

‘Farmers are not to be killed [during war] if it is known that they are not from the combatants’.<sup>1</sup>

And Ibn Qudāma al-Maqdisī stated,

أَمَّا الْفَلَاحُ الَّذِي لَا يُقَاتَلُ فَيَبْغِي أَلَا يُقْتَلُ، لِمَا رُوِيَ عَنْ عُمَرَ بْنِ الْخَطَّابِ اللَّهُ أَعْلَمُ  
قَالَ: اتَّقُوا اللَّهَ فِي الْفَلَاحِينَ، الَّذِينَ لَا يَنْصُبُونَ لَكُمْ فِي الْحَرَبِ.

‘As for the farmer who is a non-combatant, he should not be killed, because it was narrated from ‘Umar b. al-Khaṭṭāb ﷺ that he said, “Fear God regarding the farmers who do not wage war against you”.’<sup>2</sup>

#### 4.7 THE UNLAWFULNESS OF KILLING NON-MUSLIM SERVICE PERSONNEL

Islamic laws are to regulate the conduct of the Muslim soldiers during the course of war and restrain them from killing non-Muslim professionals and those tasked with the delivery of services. Rabāh b. Rabīḥ ﷺ said,

كُنَّا مَعَ رَسُولِ اللَّهِ ﷺ فِي غَزْوَةِ فَرَأَى النَّاسُ مُجْتَمِعِينَ عَلَى شَيْءٍ، فَبَعَثَ رَجُلًا  
فَقَالَ: انْظُرْ عَلَى مَا اجْتَمَعَ هُؤُلَاءِ؟ فَجَاءَ، فَقَالَ: عَلَى امْرَأَةٍ قُتِيلَ. فَقَالَ: مَا كَانَتْ  
هَذِهِ لِتُقَاتَلَ. قَالَ: وَعَلَى الْمُقَدَّمَةِ خَالِدُ بْنُ الْوَلِيدِ. فَبَعَثَ رَجُلًا فَقَالَ: قُلْ لِخَالِدٍ:  
لَا يُقْتَلُنَّ امْرَأً وَلَا عَسِيْفًا. وَفِي رِوَايَةٍ: لَا تَقْتَلُنَّ ذُرَيْفَةً وَلَا عَسِيْفًا.

‘We were with the Messenger of God ﷺ in one of the battle expeditions, when he saw some people gathered around something. He sent a man out, saying, “Go and see what they are gathering around”. The man returned and informed him, saying, “They are gathering around

<sup>1</sup> Ibid.

<sup>2</sup> Ibn Qudāma al-Maqdisī, *al-Mughnī*, 9:251.

a slain woman". The Prophet ﷺ said, "She was not amongst those who fight!" At the head of the group was Khālid b. Walīd, so the Prophet sent a man to go and inform Khālid: "Neither an [idolatrous] woman nor a hired servant should be killed". [In one report:] 'Do not kill children or hired servants'.<sup>1</sup>

In fact, non-Muslim employees working in the households of non-Muslim employers in the conquered areas are not to be killed and no kind of tax can be imposed upon them. Ibn al-Qayyim stated the same thing, quoting 'Abd Allāh b. 'Umar ﷺ:

إِنَّ الْعَبْدَ مَحْقُوقُ الدِّمْعَ فَأَشْبَهُ النِّسَاءَ وَالصِّبَّارَ.

"The blood of a servant is inviolable, and is thereby similar to that of women and children".<sup>2</sup>

Likewise, Ibn al-Mundhir cited a consensus amongst the scholars that, like the unemployed, the old, the sick, the destitute and women and children of non-Muslims—no tax can be levelled on the servants under their responsibility and care.<sup>3</sup>

#### 4.8 THE UNLAWFULNESS OF KILLING NON-MUSLIMS WHO ARE NON-COMBATANTS

Islam holds that the sanctity of life is superior to the sanctity of the Ka'ba. That is why shedding blood unjustly has been condemned in the harshest possible terms. The only enemies who are allowed to be killed are those who actively take part in combat. A large part of population, which is non-combatant, including children, women, the old, the sick and the disabled, have been excluded

<sup>1</sup> Narrated by Abū Dāwūd in *al-Sunan: Kitāb al-jihād* [The Book of Martial Jihad], chapter: 'The Killing of Women', 3:53 §2669; Ibn Mājah in *al-Sunan: Kitāb al-jihād* [The Book of Martial Jihad], 2:948 §2842; Ahmād b. Ḥanbal in *al-Musnād*, 3:488 §16035; al-Nasā'i in *al-Sunan al-kubrā*, 5:186–187 §§8625, 8627; and al-Ḥākim in *al-Mustadrak*, 2:133 §2565.

<sup>2</sup> Ibn Qayyim al-Jawziyya, *Aḥkām ahl al-dhimma*, 1:172.

<sup>3</sup> Ibid.

from this. On the day of the conquest of Mecca, the Prophet ﷺ ordered that those who were not fighting should run away to save their lives, and shut their doors, and he ordered that those who were injured should not be attacked.

Imam Muslim narrated on the authority of Abū Hurayra رضي الله عنه that the Messenger of God ﷺ said on the day of the conquest of Mecca,

مَنْ دَخَلَ دَارَ أَبِي سُعْيَانَ فَهُوَ آمِنٌ، وَمَنْ أَلْقَى السَّلَاحَ فَهُوَ آمِنٌ، وَمَنْ أَغْلَقَ بَابَهُ فَهُوَ آمِنٌ.

‘Whoever enters Abū Sufyān’s house is safe, and whoever lays down his weapon is safe and whoever shuts his door is safe’.<sup>1</sup>

All of these steps convey the message of peace and protection.

It is reported in ‘Abd al-Razzāq’s *Muṣannaf* that ‘Alī b. Abī Ṭālib رضي الله عنه said,

لَا يُدَفَّعُ عَلَى جَرِيحٍ، وَلَا يُقْتَلُ أَسِيرٌ، وَلَا يُتَبَّعُ مُدْبِرٌ.

‘The injured person or prisoner should not be killed, and the one who flees should not be pursued’.<sup>2</sup>

According to another narration recorded by ‘Abd al-Razzāq, Juwaybir reported that a woman from the tribe of Banū Asad told him that she heard ‘Ammār رضي الله عنه declare after ‘Alī رضي الله عنه had finished the Battle of the Camel,<sup>3</sup>

لَا تُدْخِلُوا عَلَى جَرِيحٍ، وَلَا تَدْخُلُوا دَارًا. مَنْ أَلْقَى السَّلَاحَ فَهُوَ آمِنٌ، وَمَنْ أَغْلَقَ بَابَهُ فَهُوَ آمِنٌ.

<sup>1</sup> Narrated by Muslim in *al-Šaḥīḥ*: *Kitāb al-jihād wa al-siyar* [The Book of Martial Jihad and Military Expeditions], chapter: ‘The Conquest of Mecca’, 3:1407 §1780; Abū Dāwūd in *al-Sunan*: *Kitāb al-kharāj wa al-imāra wa al-fay'* [The Book of Land Tax, Leadership and the Spoils Acquired without Fighting], 3:162 §3021; and al-Bazzār in *al-Musnad*, 4:122 §1292.

<sup>2</sup> Narrated by ‘Abd al-Razzāq in *al-Muṣannaf*, 10:123 §18590.

<sup>3</sup> A battle that took place in 656 CE. Ed.

'Do not kill an injured person and do not enter the house of someone who has laid down his arms, for he is considered safe. Similarly, the one who shuts his door is considered safe'.<sup>1</sup>

#### 4.9 THE UNLAWFULNESS OF WAGING NIGHT OFFENSIVES AGAINST NON-MUSLIMS

The military code of conduct enshrined in the Shariah holds that enemies should not be attacked at night. Military forces should wait until dawn when launching their offensives so that non-combatants, such as women, children, the old and the sick, do not become frightened and have their sleep disturbed.

Imam al-Bukhārī and Imam Muslim narrated on the authority of Anas b. Mālik ﷺ who said,

أَنَّ رَسُولَ اللَّهِ ﷺ أَتَى خَيْبَرَ لَيْلًا، وَكَانَ إِذَا أَتَى قَوْمًا بِلَيْلٍ لَمْ يَغْزِهِمْ حَتَّى يُضْبَحُ.

'The Messenger of God ﷺ came to Khaybar at night, and when he came to a people [a force] at night, he would not attack them until daybreak'.<sup>2</sup>

Contrast the prophetic laws concerning war with the methods of the modern-day terrorists who bomb populated areas without any care for peaceful life.

#### 4.10 THE UNLAWFULNESS OF BURNING NON-MUSLIMS

In the pre-Islamic days of ignorance, a man would go to such extremes in revenge and enmity against his opponents during war that he would burn them alive. The Prophet ﷺ forbade Muslims from resorting to this barbaric tactic.

<sup>1</sup> Narrated by 'Abd al-Razzāq in *al-Muṣannaf*, 10:124 §18591.

<sup>2</sup> Narrated by al-Bukhārī in *al-Ṣaḥīḥ: Kitāb al-maghāzī* [The Book of Military Expeditions], chapter: 'The Campaign of Khaybar', 4:1538 §3961; Muslim in *al-Ṣaḥīḥ: Kitāb al-jihād wa al-siyar* [The Book of Martial Jihad and Expeditions], chapter: 'The Campaign of Khaybar', 3:1427 §1365; and al-Tirmidhī in *al-Sunan: Kitāb al-siyar* [The Book of Military Expeditions], 4:121 §1550.

‘Abd al-Rahmān b. ‘Abd Allāh quoted his father as saying that once they were on a journey and the Prophet ﷺ went to relieve himself. After he left, the Companions saw a sparrow with two of her young hatchlings. When they took the hatchlings, the sparrow, greatly upset, came and began to spread out her wings. When the Prophet ﷺ returned he said,

مَنْ فَجَعَ هَذِهِ بِوَلَدِهَا؟ رُدُّوا وَلَدَهَا إِلَيْهَا.

‘Who has tormented this bird by taking her young ones?  
Give them back to her’.<sup>1</sup>

In another report the Prophet ﷺ saw an anthill that was burned and declared,

إِنَّهُ لَا يَنْبَغِي أَنْ يُعَذَّبَ بِالنَّارِ إِلَّا رَبُّ النَّارِ.

‘It is not fitting that anyone but the Lord of the fire should punish with the fire’.<sup>2</sup>

If Islam has forbidden the burning of ants, how can it allow the burning of human beings? Likewise, when the Prophet ﷺ sent his Companions for war, he ordered them to avoid burning their enemies.<sup>3</sup> But in the wake of the recent bomb blasts and suicide attacks that burn the harmless people and tear them to pieces, the so-called Muslim terrorist groups that accept responsibility for these attacks convey to the world that the Muslims’ concept of jihad is barbaric and oppressive. The opposite, however, is true and Islam has nothing to do with any of this.

<sup>1</sup> Narrated by Abū Dāwūd in *al-Sunan: Kitāb al-jihād* [The Book of Martial Jihad], chapter: ‘The Abhorrence of Burning the Enemy’, 3:55 §2675.

<sup>2</sup> Narrated by Abū Dāwūd in *al-Sunan: Kitāb al-jihād* [The Book of Martial Jihad], chapter: ‘The Abhorrence of Burning the Enemy’, 3:55 §2675.

<sup>3</sup> Narrated by al-Bukhārī in *al-Ṣaḥīḥ: Kitāb al-jihād wa al-siyar* [The Book of Martial Jihad and Expeditions], chapter: ‘May He Not Suffer the Chastisement of God’, 3:1098 §2853; al-Tirmidhī in *al-Sunan: Kitāb al-siyar* [The Book of Military expeditions], chapter 20, 4:137 §1571; Abū Dāwūd in *al-Sunan: Kitāb al-jihād* [The Book of Martial Jihad], chapter: ‘The Abhorrence of Burning the Enemy’, 3:54 §2674.

#### 4.11 THE UNLAWFULNESS OF BREAKING INTO ENEMY HOMES AND LOOT THEM

Muslim forces are strictly forbidden from forcibly entering the houses of their enemies. Islam has emphasized the sanctity of the honour and property of others—even in times of war—and it forbade soldiers from beating children or women or eating the food of others without their permission.

It is reported in Abū Dāwūd's *al-Sunan* that 'Irbaḍ b. Sāriya al-Sulamī ﷺ said, 'We disembarked at Khaybar with the Prophet ﷺ and many of his Companions were with him. One of the fighters of Khaybar who was arrogant and contentious came to the Prophet ﷺ and asked, "Is it fair that you slaughter our donkeys, eat our fruits and beat our women?" The Prophet ﷺ became annoyed and said, "O Ibn 'Awf! Ride on your steed and declare that Paradise is only for the believers, and that they should gather for prayer". When they all gathered together, he stood up and said,

أَيُحسِبُ أَحَدُكُمْ مُتَكَبِّلًا عَلَى أَرْبِكَتِهِ قَدْ يَظْنُ أَنَّ اللَّهَ لَمْ يُحِرِّمْ شَيْئًا إِلَّا مَا فِي هَذَا<sup>١</sup>  
الْقُرْآنِ؟ إِلَّا وَإِنِّي وَاللَّهِ، قَدْ وَعَظْتُ، وَأَمْرَتُ، وَنَهَيْتُ عَنْ أَشْيَاءِ، إِنَّهَا لَمِثْلُ الْقُرْآنِ  
أَوْ أَكْثَرٍ. وَإِنَّ اللَّهَ لَمْ يُحِلْ لَكُمْ أَنْ تَدْخُلُوا بُيُوتَ أَهْلِ الْكِتَابِ إِلَّا يَأْذِنُونَ، وَلَا ضَرْبَ  
نِسَائِهِمْ، وَلَا أَكْلَ ثِمَارِهِمْ.

"Does any of you recline on his couch and imagine that God has not forbidden anything save that which has been mentioned in the Qur'ān? Beware, by God, I have exhorted, issued commands and forbade various matters. They are as numerous as what is found in the Qur'ān, or more. God has not permitted you to enter the houses of the People of the Book without permission, or to beat their women, or to eat their fruit".<sup>1</sup>

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<sup>1</sup> Narrated by Abū Dāwūd in *al-Sunan: Kitāb al-kharāj wa al-imāra wa al-fay'* [The Book of Land Tax, Leadership and the Spoils Acquired without Fighting], 3:170 §3050; al-Bayhaqī in *al-Sunan al-kubrā*, 9:204 §18508; and cited by Ibn 'Abd al-Barr in *al-Tamhīd*, 1:149.

During the pre-Islamic days of ignorance, the Arab warriors would initiate war for the sole purpose of forcibly acquiring wealth and belongings through pillage and plunder. Plundering the trading caravans had become a business of many tribes, but Islam eliminated this oppressive practice. When some people wanted to loot a caravan of travellers in one of the battles, the Prophet ﷺ forbade them.

It is reported by Mu‘ādh b. Anas رضي الله عنه that he was blessed to be with the Prophet ﷺ in one of the sacred battles. Some people started looting some travellers and when the Prophet ﷺ came to know of this, he sent one of the Companions to declare:

أَنَّ مِنْ ضَيْقَ مُنْزِلًا أَوْ قَطَعَ طَرِيقًا فَلَا جِهَادٌ لَّهُ.

‘There is no jihad for the one who breaks into the houses of others or loots people on the road’.<sup>۱</sup>

Thus, when those fighting in the way of God resort to plunder and looting, and harass people and become a source of trouble for them, God rejects their emotional appeals to jihad and declares their acts unlawful.

#### 4.12 THE UNLAWFULNESS OF DESTROYING THE CATTLE, CROPS AND PROPERTIES OF THE ENEMY

Islam neither allows the unjust shedding of blood, nor does it approve of the scorched earth policy of total war. Islam calls for reform and peace. Therefore, it takes care that those fighting for its sake do not destroy crops and fruit-bearing trees, or burn down properties.

Imam al-Tirmidhī quoted the following saying of the First Rightly Guided Caliph in this regard:

نَهَىٰ أَبُو بَكْرٍ الصَّدِيقُ عَلَيْهِ السَّلَامُ أَنْ يَقْطَعَ شَجَرًا مُثْمِرًا أَوْ يُخْرَبَ عَامِرًا، وَعَمِلَ بِذَلِكَ الْمُسْلِمُونَ بَعْدَهُ.

<sup>۱</sup> Narrated by Abū Dāwūd in *al-Sunan: Kitāb al-jihād* [The Book of Martial Jihad], 3:41 §2629.

‘Abū Bakr al-Ṣiddīq ﷺ forbade people from cutting down fruit-bearing trees or destroying buildings [during war]—and the Muslims abided by his instructions after that’.<sup>1</sup>

Many traditions have been reported by Imam Mālik, ‘Abd al-Razzāq, Ibn Abī Shayba and al-Bayhaqī to this effect. According to these traditions, the Prophet ﷺ strictly forbade cutting down trees. Yaḥyā b. Sa‘īd states that he was told that while seeing off the Muslim forces for Syria, Abū Bakr al-Ṣiddīq ﷺ came to Yazīd b. Abī Sufyān and told him,

إِنِّي أُوصِيكَ بِعَشْرٍ: لَا تَقْتِلَنَّ صَبِيًّا وَلَا امْرَأً، وَلَا كَيْرًا هَرَمًا، وَلَا تَقْطَعُنَّ شَجَرًا مُثْمِرًا، وَلَا تُحَرِّبَنَّ عَامِرًا، وَلَا تُقْرِنَنَّ شَاهًةً وَلَا بَعِيرًا إِلَّا لِمَا كَلَّةٌ، وَلَا تُحْرِقَنَّ نَخْلًا، وَلَا تُغْرِقَنَّهُ، وَلَا تَغْدِلُنَّ، وَلَا تَجْنِبُنَّ.

‘I command you to observe ten things: Do not kill a young child, a woman or an elderly infirm man. Do not cut down fruit-bearing trees or demolish buildings. Do not slaughter a sheep or camel except for food. Do not drown or burn date-palm trees. And do not steal from the war booty or show cowardice’.<sup>2</sup>

Ibn Abī Shayba quotes a tradition reported by Mujāhid who said,

لَا يُقْتَلُ فِي الْحَرْبِ الصَّبِيُّ، وَلَا امْرَأً وَلَا الشَّيْخُ الْفَانِي، وَلَا يُحْرَقُ الطَّعَامُ، وَلَا النَّخْلُ، وَلَا تُحَرِّبُ الْبَيْوَثُ، وَلَا يُقْطَعُ الشَّجَرُ الْمُثْمِرُ.

‘Young children, women and infirm elderly men should not be killed in war. Food and date-palm trees should not be burned, houses should not be demolished and fruit-

<sup>1</sup> Narrated by al-Tirmidhī in *al-Sunan: Kitāb al-siyar* [The Book of Military Expeditions], 4:122 §1552.

<sup>2</sup> Narrated by Mālik in *al-Muwaṭṭa: Kitāb al-jihād* [The Book of Martial Jihad], chapter: ‘The Unlawfulness of Killing Women and Children During Military Expeditions’, 2:447 §965; ‘Abd al-Razzāq in *al-Muṣannaf*, 5:199 §9375; Ibn Abī Shayba in *al-Muṣannaf*, 6:483 §33121; al-Bayhaqī in *al-Sunan al-kubrā*, 9:89–90 §§17927, 17929; and al-Marwazī in *Musnad Abī Bakr*, pp. 69–72 §21.

bearing trees should not be cut'.<sup>1</sup>

'Abd Allāh b. 'Umar ﷺ stated in one narration that when Abū Bakr al-Siddīq ﷺ dispatched the Muslim troops to Syria, he walked with them for two miles and addressed them, saying,

أوصيكم بِتَقْوَى اللهِ، لَا تَعْصُوا وَلَا تَغْلُو، وَلَا تَجْنِبُوا، وَلَا تُغْرِفُوا  
رَزْعًا، وَلَا تَحْبَسُوا بَهِيمَةً، وَلَا تَقْطَعُوا شَجَرَةً مُثْمِرَةً، وَلَا تَقْتُلُوا شَيْخًا كَبِيرًا، وَلَا  
صَبِيًّا صَغِيرًا.

'I enjoin you to fear God. Do not disobey [the military commander] or show cowardice. Do not drown date-palm trees or set crops on fire. Do not hobble animals and do not cut down fruit-bearing trees. Do not kill an old man or a young child'.<sup>2</sup>

'Āsim b. Kulayb narrated on the authority of his father that one of the *Anṣār* related, 'We set out on a journey with the Prophet ﷺ. The people were suffering hunger and were in need, so they forcibly took some goats and slaughtered them. The pots were boiling when the Prophet ﷺ came over with his back resting against a bow, and he started turning our pans upside down with the bow and mixing the meat with the soil. Then he said,

إِنَّ النَّهَيَةَ لَيَسَّتْ بِأَحَلٍ مِنَ الْمَيْتَةِ.

"Eating stolen food is not any more lawful than eating carrion!".<sup>3</sup>

What a lofty demonstration of conduct and commitment to ethical principles! Whether in the theatre of war, or during a state of extreme hunger in a long, tiresome journey, no military leader, religious figure or spiritual mentor can demonstrate this level of pious, exalted and strong character. It was the influence

<sup>1</sup> Narrated by Ibn Abī Shayba in *al-Muṣannaf*, 6:483 §33122.

<sup>2</sup> Narrated by al-Marwazī in *Musnad Abī Bakr*, pp. 69–72 §21.

<sup>3</sup> Narrated by Abū Dāwūd in *al-Sunan: Kitāb al-jihād* [The Book of Martial Jihad], 3:66 §2705; and al-Bayhaqī in *al-Sunan al-kubrā*, 9:61 §17789.

of the Prophet's training of the Companions that when the pans containing cooked meat were mixed into the dust in front of them, though they were seized with extreme hunger at that time, these embodiments of patience totally submitted themselves before the Prophet ﷺ.

The words spoken by the Prophet ﷺ on that occasion are a valuable gift for humanity. His describing stolen food as viler than the flesh of an un-slaughtered dead animal should give pause to those who feel no compunction in robbing banks and stealing from people to finance their terrorist activities.

#### 4.13 SUMMARY

In the light of the aforementioned explanations, it is evident that even when war is imposed on Islam, and the Muslims are made victims of external aggression and the Islamic state is compelled to order its armies to fight in defence, children, women and the elderly cannot be killed. Furthermore, damaging crops, destroying buildings, properties and places of worship are also strictly forbidden. How can Islam, which does not allow these practices during jihad, condone and approve the killing of non-combatants who are not directly involved in the aggression and who are going about their daily routines? It is abundantly clear that such activities are in direct contravention of the teachings of the Qur'ān and hadith.